

Exhibit 6

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 3:12-cv-04947-MAS-LHG
-----x

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
an unincorporated association; NATIONAL
BASKETBALL ASSOCIATION, a joint venture;
NATIONAL FOOTBALL LEAGUE, an unincorporated
association; NATIONAL HOCKEY LEAGUE, an
unincorporated association; and OFFICE OF
THE COMMISSIONER OF BASEBALL, an
unincorporated association, doing business
as MAJOR LEAGUE BASEBALL,

Plaintiffs,

-against-

CHRISTOPHER J. CHRISTIE, Governor of the
State of New Jersey; DAVID L. REBUCK,
Director of the New Jersey Division of
Gaming Enforcement and Assistant Attorney
General of the State of New Jersey; and
FRANK ZANZUCCI, Executive Director of
the New Jersey Racing Commission,

Defendants.

-----x

200 Park Avenue
New York, New York

November 12, 2012
12:12 p.m.

DEPOSITION OF
ROGER S. GOODELL

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4 DEPOSITION of ROGER S. GOODELL,

5 taken by the Defendants, held at the
6 aforementioned time and place, before Sherri
7 Flagg, a Registered Professional Reporter,
8 Certified LiveNote Reporter, and Notary
9 Public.

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1
2 * * *

3 R O G E R S. G O O D E L L,

4 first duly sworn/affirmed, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. WEGNER:

8 Q. Good afternoon, Commissioner. And
9 is it okay if I call you Commissioner
10 throughout the deposition?

11 A. You can call me Roger, sure.

12 Q. I think I'll call you Commissioner.

13 A. Okay.

14 Q. But having said that, could you
15 please state your name for the record.

16 A. Roger Goodell.

17 Q. Okay. Have you been deposed

18 before, Commissioner?

19 A. Yes, sir.

20 Q. How many times?

21 A. Not sure. Quite a few.

22 Q. Have any of them been in connection
23 with the NFL's antigambling policies, any of
24 those depositions?

25 A. I can't recall any in particular,

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no.

Q. Have you testified in court, Commissioner?

A. I don't think so.

Q. How about in arbitration proceedings?

A. I presume so.

Q. Have any of those proceedings involved the enforcement of NFL's antigambling policies?

A. I don't believe so.

Q. Commissioner, did you speak with anyone about today's deposition?

MR. MISHKIN: Other than counsel.

Q. Other than counsel?

A. Just counsel.

Q. So we have it for the record in this case, Commissioner, can you give us a brief history of your relationship with the NFL, if that's possible?

A. It's not brief unfortunately, Counselor.

Q. Well --

A. I'll just give -- I began as an

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Would what include the development?

Q. I'm sorry. Would your responsibilities include the development or modification of the policies?

A. Modification would be the proper term. The policies have long been determined, and we have held to those -- the core of those policies for many decades.

Q. Commissioner, do you have any responsibilities concerning the detection of policy violations? And by policy violations, I mean the NFL's antigambling policies?

A. When you say "the detection," you mean if there's a violation of the policy?

Q. Yes, sir.

A. It could come from our security department or other sources.

Q. What would those sources typically be?

A. The security department would be the most likely, but it could come through the media.

Q. Could you describe for us what the security department is?

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intern in 1982. I spent one year with the Jets and then I've been in the NFL in a variety of positions, became chief operating officer around the year 2000 and Commissioner in 2006.

Q. Commissioner, what are your job responsibilities as Commissioner of the NFL?

A. My primary responsibility is the integrity of the game and protecting the game for the long term. Obviously as part of that, I have responsibilities for labor, television, our business operations as well as the game itself.

Q. How about specifically, Commissioner, what are your duties concerning the NFL's antigambling policies for players, referees, League staff?

A. At the end of the day, it would be enforcement of the policy and making sure that the policy reflects the desires of the ownership.

Q. Would that include the development of the policies?

MR. MISHKIN: Object to the form.

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A. NFL's security department, we have -- I don't even know the number, but let's call it a half dozen people that are working in our office on a full-time basis, and we have local representatives in each of our markets.

Q. If you know, Commissioner, what's the mechanism for bringing to the attention of security a possible violation of the NFL's gambling policies?

A. I don't. I know that they do their job and they're very well connected to try to understand if there's anything that would cause us concern.

Q. Commissioner, you mentioned the media. Is that another source of indications that there may have been a violation of the NFL's antigambling policies?

A. It could be. I just said it could be. You asked me if there were other sources.

Q. I see. Do any come to mind right now where the media brought a possible violation of the NFL's antigambling policies to the attention of the NFL?

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A. Of the NFL, no.

Q. How about education, Commissioner?

Do you have any responsibilities concerning the education of players and staff and referees on the antigambling policies of the NFL?

A. Yes. Our staff goes and meets with each of those individuals or groups on an annual basis to make sure they understand the policy and make sure that they understand the policy and that they abide by it.

Q. Is that the same staff as the security staff?

A. Primarily.

Q. And, Commissioner, are you responsible ultimately for any sanctions that are levied against someone for a violation of the NFL's antigambling policies?

A. I would be, yes.

Q. What duties, if any, do you have, Commissioner, concerning the policies of the NFL for advertising relationships with casinos?

A. I'm sorry, I'm not sure I

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And as I say, we from time to time evaluate it and from time to time modify it. We can certainly get you a copy of it.

Q. I think we may get into that a little bit later on, Commissioner.

What duties do you have regarding contests taking place in areas where sports gambling is legal, for instance, in Canada or overseas?

MR. MISHKIN: Would you just read back the question.

(Requested portion read.)

MR. MISHKIN: Object to the form of the question, and I think it lacks a foundation. But if you understand the question, you can answer it.

A. I'll take my best shot at it. The -- we play a game in Toronto on an annual basis and we play a game in London on an annual basis. I am aware, at least in the U.K., the London game, they have various forms of legalized sports betting.

We inform our teams before they go that the policies in the NFL apply even in

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understand.

Q. Well, does the NFL have any advertising relationships with casinos?

MR. MISHKIN: Do you mean the NFL itself, its teams?

Q. Let's just start with the NFL itself.

A. We have a policy that applies to all 32 of our teams that gets modified from time to time. In fact, I think I recall this spring we modified our policy in some fashion. So that is done through a collective process of our 32 teams.

Q. And generally what is the NFL's policy about teams advertising in casinos?

A. That's a pretty difficult question to answer generally.

MR. MISHKIN: I'll object to the form, Bill, only because it's a lengthy written policy. You've asked generally so if you're able, Commissioner, to give a general answer.

A. It's not a short policy, it's pretty extensive and we take it seriously.

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those circumstances. So we go out of our way to make sure they understand that it is not permissible for them during that period of time.

Q. Let's stick within the London game, then, Commissioner. When that game is taking place, it's in a country that permits sports wagering, correct?

A. Um-hmm.

Q. Do you think that's harmful to the NFL to have a game played in a country where sports gaming is legal?

A. Well, we're playing in their country, we're coming to them. And we're only there for a short period of time, we're there for two or three days. It's not what we choose, it's not what we believe is in the best interest of sports, but we don't dictate the rules or the laws.

Q. Does the NFL put in place any extra policies or any extra procedures for the London game that would prevent match-fixing or game-fixing?

A. I'm not aware specifically, other

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than what I -- I know that they specifically meet with the two teams in advance of those games.

Q. Do you think that the NFL playing in a venue or a country that permits sports wagering is harmful to the reputation of the NFL?

A. As I just said to you, I think we're guests when we come over and play these games. We play by their rules and by their laws, we're there for a very short period of time so...

Q. And I believe also that the NFL plays in Canada; is that correct?

A. Toronto, yes.

Q. Toronto. Commissioner, I want to ask you the same questions about that. How many games does the NFL play in Toronto?

A. In the past it's been one regular season game and one pre-season game. I believe going forward it will be just one regular season game.

Q. Does the NFL have any particular procedures in place for the game in Toronto to

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A. What about Canadians?

Q. Do you think it's harmful to the NFL's reputation that it plays a game in a venue that permits sports wagering?

A. Well, again, it's their country. I think they're used to those laws and they understand what the laws are.

Q. Okay. Commissioner, I'd like then to show you what's been previously marked as NFL 35. This is a new one, I'm sorry.

(Exhibit 35: Declaration of Roger Goodell, was marked for identification.)

BY MR. WEGNER (continuing):

Q. Commissioner, have you had a chance to look at the document which we have marked as NFL 35?

A. Sitting here?

Q. Yes, sir.

A. Yes, I see that.

Q. Okay. When was the last time you saw that document?

A. I looked at at least the top few pages last week.

Q. Did you draft that document

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prevent game-fixing?

A. I believe they're similar to what I described in London.

Q. Okay. And is your answer the same in terms of whether there is anything harmful to the NFL's reputation that results from playing a game in a country that permits sports wagering?

A. Again, we have to play by the rules that are established and the laws.

Q. My question, Commissioner, is: In your view, does that cause any harm to the reputation of the NFL to have a game played in a country that permits sports wagering?

A. Our reputation where?

Q. Reputation in the United States.

A. I don't think the people in the United States are aware of those laws.

Q. Okay. How about reputation in Canada?

A. I'm not sure. A lot of our fans in the United States are aware of the laws in Canada.

Q. How about Canadians, though?

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yourself?

A. No, Counsel did with my assistance.

Q. Okay. Without violating the attorney-client privilege, what role did you play in the drafting process of your declaration?

MR. MISHKIN: Well, I think that's going to be very difficult to answer, Bill, without intruding on the attorney-client privilege. I mean, if it was created in a collaborative process with counsel, I don't know how you can separate out the Commissioner's role. I mean...

MR. WEGNER: I understand.

Q. And, Commissioner, I don't want you to talk about any communications, confidential communications you had with counsel. But outside of that, was there any aspect of your role in the drafting of your declaration that did not involve counsel? And when I say "involve counsel," I mean communications between you and counsel and counsel and you.

A. I'm not sure I understand the

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question.

Q. I'll restate it then, Commissioner.

It was a complex question.

In terms of the drafting of your declaration, which is Exhibit 35, NFL 35?

A. Right.

Q. Did you do anything to create that document that did not involve a communication between you and counsel or counsel and you?

A. No.

Q. So the entire process of the drafting of the declaration was one that involved counsel?

A. That's correct.

Q. During that process, did you review any documents?

A. I don't believe so.

Q. Other than documents, were there any other sources that you relied upon in preparing your declaration, again, outside of conversations with counsel?

A. Other than the documents that are submitted with this?

Q. Correct.

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to the integrity of professional football in the United States, I've got gambling, you mentioned other sports. Are there any other things that you consider a threat to the integrity of the game?

A. One that's a big issue publicly is safety.

Q. Is it fair to say that's a concussion problem?

A. It's beyond concussions.

Q. Safety generally in the sport?

A. Um-hmm. Yes, excuse me.

Q. How are concerns about safety connected with the integrity of the NFL?

A. Well, one that's gotten a lot of attention is the bounty issue over the last several months. That has to do with the integrity of the game. It's a violation of our rules. The idea of targeting players and rewarding players for injuring their opponents is unacceptable in the NFL. That not only has to do with safety but it has to do with the integrity of our game.

Q. Not to belabor it, Commissioner,

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A. I don't believe so.

Q. Commissioner, if you could please look at paragraph 3 on page 2 of Exhibit NFL 35.

A. Um-hmm.

Q. And there you state that your most important responsibility is maintaining the integrity of professional football and preserving public confidence in the NFL.

What threats are there to the integrity of pro football in the United States?

A. Gambling would be number one on my list.

Q. Other ones?

A. We live in a competitive marketplace so we're competing against other sports, we're competing against other entertainment. We want people to believe in what they see on the field and that those -- what they see is not being influenced by anything outside of the actual competition of the athletes.

Q. Commissioner, in terms of threats

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but with the integrity of the game, is that because -- well, why is that? Why does the bounty problem that the NFL addressed, why is that a threat to the integrity of the game?

A. I think I just explained it to you. It has a safety element and it has an element that our fans don't expect to see from the NFL. They expect to see a standard where players are out playing within a set of rules and not offering rewards or incentives to injure other players.

Q. Thanks, Commissioner.

What about performance-enhancing drugs, is that an issue?

A. Sure.

Q. That threatens the integrity?

A. Yes.

Q. And replacement referees, is that an issue?

A. No.

Q. Why do you say that replacement referees were not an issue concerning the integrity of the NFL, Commissioner?

A. I didn't say they weren't. You

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asked me are they. We don't have replacement officials.

Q. Were they when you had them, Commissioner?

A. No. We felt that the officials were properly trained and that they were prepared to do the job they needed to do.

Q. Commissioner, with respect to the integrity of professional football, have there been any gambling-related incidents that have called the integrity of professional football into question?

A. Yes. It goes back into the '60s, my predecessor Pete Rozelle, R-O-Z-E-L-L-E. He suspended two high-profile players for a year for their involvement in gambling and threatened at least, in the case of Joe Namath, sanctions. I don't remember all the details, but they were very high-profile.

Q. On the Pete Rozelle one, Commissioner, what was the gambling involved in that incident?

A. As I said, I don't remember all the details but I know that two players -- when

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gamblers. That's against our policy.

Q. So that particular incident didn't involve game-fixing, did it?

A. Not that I'm aware of directly. I think that's the fear.

Q. Now, we talked about two incidents, Commissioner. Are you aware of any incidents involving the NFL on-field games that involved game-fixing?

A. Again, the only other thing I can remember that involved a very high profile was gambling with Art Schlichter, I think it's S-C-H-L-I-S-T-E-R.

MR. MISHKIN: We'll get you the spelling.

Q. What was that incident, Commissioner?

A. I don't know. I know that -- again, that he had a -- some involvement with gambling and it was something that Pete Rozelle, who was then Commissioner, as all of us would, took very seriously.

Q. Do you know if the Art Schlichter incident involved game-fixing?

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you say Pete Rozelle, he was a Commissioner.

Q. Commissioner, I mean, the incident you referred to the two players that Pete Rozelle addressed.

A. As I said, I don't remember all the specifics, but he suspended both players for a year.

Q. Were they involved in game-fixing?

A. As I said, I don't remember all the specifics. We can get them for you.

Q. Okay.

A. It was 1963, I believe. I was four.

Q. And what do you know about the Joe Namath incident, Commissioner?

A. Just that he was involved in a nightclub/restaurant where there were -- at least the allegations that I'm aware of were that there was involvement with gamblers and that entity, and that's impermissible by our policy.

Q. Do you know if that involved game-fixing?

A. This was a known association with

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A. I don't know the specifics behind it.

Q. All right. So the three that we've identified, Commissioner, they either didn't or you don't know if they involved game-fixing. Have there been any incidences that you're aware of where the NFL's games were violated by game-fixing resulting from gambling?

A. Those three incidents were involving violations of our policy in association with gambling. And the reason we have those is to make sure that game-fixing doesn't occur. They're preventative, they're to avoid this. That's a serious threat to our game and to the integrity of our game.

Q. What I'm trying to establish, Commissioner, is I think--and I'll ask you if this is true--that the NFL has not had a recorded incident of game-fixing as a result of gambling. Is that true?

A. I don't know.

Q. Can you think of any incidents, as the Commissioner of the NFL, where there has

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2 been game-fixing involved in an NFL game?

3 MR. MISHKIN: It's been asked and

4 answered. You can answer it again.

5 A. I can't think of a specific
6 incident off the top of my head.

7 Q. Is it fair to say that would be
8 sufficiently significant that you would
9 remember it if one had occurred?

10 MR. MISHKIN: I object to the form
11 of the question.

12 A. Again, I've been involved with the
13 NFL for 30 years, 30-plus years. There's a
14 history that the NFL goes over 90 years now,
15 so there's a long history of the NFL prior to
16 my involvement. I don't -- I can't speak to
17 all those issues.

18 Q. But as you sit here today, you
19 can't recall any incident where there was
20 game-fixing in an NFL game?

21 MR. MISHKIN: Asked and answered.

22 A. I've given you my best answer. I'm
23 sorry if that's not good enough.

24 Q. No, it's not that it's not good
25 enough, Commissioner. But the answer, I take

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2 public's confidence in the League."

3 How have the owners and players
4 protected the NFL's integrity during the last
5 90 years?

6 A. By having a very strong policy that
7 would not permit sports betting and not allow
8 our players to be involved in any way with
9 gambling that could negatively influence the
10 people's perception of the sport, that the
11 outcomes could be anything based on clean
12 competition.

13 Q. And, Commissioner, that would
14 involve antigambling policies that refer to
15 both legalized and illegal gambling; is that
16 correct?

17 MR. MISHKIN: I just object to the
18 form. It's the "that" -- read the
19 question back. I think it may be a
20 little hard to understand what the "that"
21 was referring to.

22 (Requested portion read.)

23 MR. MISHKIN: Could you reframe the
24 question just so we're clear what the
25 "that" is referring to.

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2 it then, is you can't recall any?

3 A. That's correct.

4 Q. Okay. Would you attribute the
5 apparent lack of any game-fixing in the NFL
6 because you can't remember any instances of it
7 to the NFL's antigambling policies?

8 A. I think that's clearly a very
9 strong factor, yes.

10 Q. Any other factors?

11 A. I think that's the most important.

12 Q. Okay. Commissioner, looking at the
13 same exhibit which is NFL 35, could you please
14 look at paragraph 4 also on page 2. And feel
15 free to read the whole paragraph, but I'm
16 going to draw your attention to the end of
17 that paragraph.

18 A. Okay.

19 Q. Okay. And specifically,
20 Commissioner, look at the part of the
21 paragraph where it states that:

22 "The NFL owners and players have
23 worked diligently since the League's
24 inception nearly 90 years ago to protect
25 the NFL's integrity and maintain the

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2 Q. Okay. Commissioner, the NFL's
3 antigambling policies apply to both legal and
4 illegal gambling, correct?

5 A. Yes. I mean, the policies are
6 clear. You have a copy of the policies.

7 Q. Right. Commissioner, are you aware
8 of the estimates that are in the public domain
9 that illegal sports gambling in the United
10 States is between an 80 and \$380 billion-a-
11 year market?

12 A. I've read numbers before. I can't
13 recall the specific numbers, but I know
14 they're big numbers.

15 Q. They were in the range of perhaps
16 80 to \$380 billion a year?

17 A. Is that a question?

18 Q. Yes, sir.

19 A. I don't recall the specific number,
20 as I said before.

21 Q. But they're very large numbers?

22 A. Yes. As I said, yes.

23 Q. Would you agree that they're
24 billions of dollars?

25 MR. MISHKIN: He doesn't recall.

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Well --

A. I think it's fair to say it's a billion dollars plus.

Q. And, Commissioner, are you aware that over the last 20 years at least, the amount of both legal and illegal sports gambling in the United States has increased?

MR. MISHKIN: I'm going to object to the question as lacking in foundation. You can answer.

A. What's increased? The amount of dollars? The number of players?

Q. The amount of dollars that individuals in the country bet on sports events.

A. I'm not familiar with that but it wouldn't surprise me.

Q. Okay. If it doesn't surprise you, Commissioner, is it true that the NFL has been able to protect the integrity of its games notwithstanding the increase in both legal and illegal sports wagering?

A. Again, because we have very strict rules to protect the integrity of the game and

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basis of the question but I think, as you asked it, it lacks a foundation. That's my objection.

If you'd like the question read back, you can answer it.

MR. WEGNER: Would you like it read back?

(Requested portion read.)

A. It's a constant battle to make sure that we keep our game safe from any kind of outside influences, whether that's gambling, whether that's drugs. We continually modify our policies. We continue to put focus on this because once there is an incident, that's irreparable harm and we want to prevent that from happening.

So we make sure that we do everything possible to make sure people understand that this is a violation of a policy that we take very seriously and it should not be violated.

Q. But to date, Commissioner, concerning gambling, the NFL has been successful in preventing any incidences

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we enforce it very strictly and we work to make sure that the right public policy is in place also.

Q. But today anyway the NFL has been successful in using its policies to prevent incidences that would harm the integrity of the NFL, correct?

MR. MISHKIN: Objection. I think that leaves out part of his answer, so I object to the form of the question.

MR. WEGNER: Actually, I'm not incorporating his answer. I'll ask the question. It's a standalone question.

BY MR. WEGNER (continuing):

Q. So, Commissioner, in the face of an increasing volume of sports wagering in this country, both legal and illegal, the NFL has been successful in protecting the integrity of the NFL by the implementation of its policies and also its policies against gambling, correct?

MR. MISHKIN: Well, it's a lack of foundation. I'm obviously I'm not going to engage in a substantive debate on the

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involving gambling that would harm the integrity of the NFL, correct?

A. To date, yes.

Q. Okay. Commissioner, will the NFL continue to implement the same measures that it has in the past concerning sports gambling if it is made lawful in New Jersey?

A. That's a hypothetical question. It's against the law, isn't it?

Q. I said if it's made lawful in New Jersey.

A. That's a hypothetical question. We support the law, we think it's the correct law, and we don't believe it should be lawful and it's not.

Q. Commissioner, let me ask it this way, then: If it ultimately is lawful to have sports gambling in New Jersey, does the NFL plan to implement any additional or new procedures to protect the integrity of the NFL?

A. Well, we'd have to take that into consideration if it occurs. We don't believe it's going to occur and we don't think it

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1 should occur.

2 Q. As you sit here today, are you
3 having any contingency plans put in place at
4 the NFL in the event it is lawful?

5 A. No, we don't, because we don't
6 believe it will be lawful. It's not now and
7 it won't be in the future.

8 Q. Commissioner, if we could now look
9 at the second part of your statement in the
10 last paragraph of paragraph 4. You mentioned
11 public confidence. Will you take a look at
12 that paragraph, please.

13 MR. MISHKIN: The last sentence of
14 paragraph 4?

15 MR. WEGNER: Yes.

16 A. This is the same sentence you were
17 pointing to before; is it not?

18 MR. MISHKIN: Yes, it is.

19 Q. Commissioner, has the NFL performed
20 any analysis or studies or focus groups
21 regarding the public's confidence in the
22 League?

23 A. When you say "public confidence,"
24 what do you mean by that?
25

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1 fixing of games or that any outcome could be
2 influenced by the outside could be very
3 damaging to the NFL and very difficult to ever
4 recover from. That's why we take the
5 positions that we do with our policies and
6 education and make sure that people understand
7 that we'll enforce it vigorously.

8 Q. Commissioner, other than the
9 concern about the threat, does the NFL have
10 any evidence that the legalization of sports
11 wagering in New Jersey will harm the integrity
12 of the NFL?

13 A. Evidence in what sense?

14 Q. Well, you mentioned it's a threat.
15 Is it fair to say that the threat of harm to
16 the integrity of the NFL is a concern?

17 THE WITNESS: I'm sorry, could you
18 read that back.

19 (Requested portion read.)

20 A. Of course, yes.

21 Q. Okay. Other than the concern about
22 the threat, does the NFL have any evidence to
23 support the assertion that legalizing gambling
24 in New Jersey will harm the integrity of the
25

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1 Q. Has the NFL performed any studies
2 or analysis or focus groups to determine what
3 the public's perception of gambling and the
4 NFL is?

5 A. I don't believe so.

6 Q. Commissioner, again, looking at the
7 same exhibit, NFL 35, in the first sentence
8 here in paragraph 5, you say:

9 "The spread of sports betting
10 including the introduction of sports
11 betting as proposed by the State of New
12 Jersey, threatens to damage irreparably
13 the integrity of and the public
14 confidence in NFL football."

15 Do you see that?

16 A. I do.

17 Q. On what do you base the statement
18 that the legalization of gambling in New
19 Jersey will threaten to damage irreparably the
20 integrity of the public confidence in NFL
21 football?

22 A. It's a very strongly held view in
23 the NFL, it has been for decades, that the
24 threat that gambling could occur in the NFL or
25

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1 NFL?

2 MR. MISHKIN: The question is any
3 other evidence? You know, we have
4 testimony.

5 A. We have a very strongly held view,
6 as I said, and other sports have adopted it
7 also. It's not unique to the NFL. I'm not
8 aware of a major professional sports league
9 that hasn't taken the threat of gambling very
10 seriously and all believe that it's
11 fundamental to what we do, and that a
12 violation of that is very damaging to the game
13 and may be irreparable for a very long period
14 of time. If people lose public confidence in
15 our game, that is incredibly damaging and may
16 be irreparable.

17 Q. So, Commissioner, other than the
18 NFL's concern about the threat that sports
19 wagering may have to the integrity of the NFL,
20 do you have any other evidence to support that
21 contention?

22 MR. MISHKIN: Object to the form of
23 the question.

24 A. I think I've answered it. I'm not
25

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sure what else you're looking for.

Q. I'm actually trying to close out this questioning, Commissioner. What I'm asking is: You've articulated a concern about the threat that gambling, in your view, in the NFL's view, presents to the integrity of the NFL. Do you have any other evidence to support that assertion other than what you've said so far?

A. What we do in professional sports and I do as Commissioner and the other Commissioners do is make sure that we do everything to protect that brand, to make sure that nobody can damage that brand. Gambling is very high on that list.

You started off asking me what other things can damage the brand and what others can provide risk. Illegal use of drugs can have a tremendous impact whether it's performance-enhancing or street drugs; violations of rules like the bounty rule can have a similar impact. They impact on the integrity of the game. We are not going to compromise on that. That is the core of what

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Q. So, Commissioner, other than your, meaning the NFL's, belief and the belief of other leagues that you've articulated here, do you have any other evidence to support the assertion that the legalization of sports wagering in New Jersey will harm the integrity of the NFL?

MR. MISHKIN: Object to the form of the question and it's been asked and answered.

A. As I've repeated to you, we will do everything we can to protect the integrity of the NFL and we monitor that closely, however we can. We do research, we do other facts about the integrity of our game and that's important to us.

And so we will continue to do whatever we can to uphold that and make sure people have confidence in our game but more importantly believe that the NFL's doing the right things.

Q. Commissioner, I'm trying to tie the concern that you've articulated about the threat of the integrity to the NFL to the New

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makes us successful.

Q. And, Commissioner, I'm just focusing right now this particular question on sports wagering and the NFL's belief that it presents a threat to the integrity of the NFL.

Other than your belief, the NFL's belief, that New Jersey's gaming statute presents a threat to the integrity of the NFL, do you have any other evidence to support that contention?

MR. MISHKIN: Object to the form of the question.

A. It's not just a belief of the NFL. As I stated in my last answer, it's every major sport has taken the same position. Every Commissioner that I'm aware of, within the period of time in which those leagues have existed, have taken the same view because we want to protect our game. We're going to protect it against any outside influences and make sure that the people believe that what they see is not influenced by anything from the outside. Gambling is at the heart of that.

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Jersey gaming statute that's the issue in this case. Other than what you've articulated today which is your concern and the concerns of other leagues about the threat gambling presents to the integrity of the sport, do you have any other evidence to support the assertion that legalizing gambling in New Jersey will harm the integrity of the NFL?

MR. MISHKIN: Asked and answered.

A. We believe that that is -- we believe that over the years, that this is very clearly a threat to our game and to every other professional sports league that considers themselves credible and that that's why we all have a very strong view towards this position.

Q. Just to move on, Commissioner, but the NFL, I believe it's your testimony, has not conducted any focus groups, independent analysis, empirical studies to confirm the NFL's concern that the legalization of sports wagering in New Jersey will harm the integrity of the NFL. Is that correct?

MR. MISHKIN: Object to the form of

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the question. You can answer it.

A. I am not aware of any specific research of New Jersey law.

Q. Okay. Now, to save some time, Commissioner, if you look at the next sentence in your declaration that states:

"An increase in State-promoted sports betting would wrongly and unfairly engender suspicion and cynicism toward every on-the-field NFL event that affects the betting line. If gambling is freely permitted on sporting events, normal incidents of the game such as bad snaps, drop passes, turnovers, penalties and play-calling inevitably will fuel speculation, distrust and accusations of point-shaving or game-fixing."

Other than what you've testified to so far, do you have any other evidence to support that statement?

A. I think it's very clear and commonsense that if you interject gambling in a way that would start to question the athletes' ability on the field when they

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Q. Well, in your view, Commissioner, today is there a concern among the public that certain plays may be called a certain way because there's game-fixing or point-shaving going on?

A. No. I believe that our fans--and this goes to the public confidence--believe that they are calling plays, to use your term, in the best interests of winning that game.

Q. Let me just talk about an example or two, Commissioner, and get your view on them. You're familiar that on October 18th, 2012, the game between the San Francisco 49ers and the Seattle Seahawks -- do you recall that game?

A. Not off the top of my head, no.

Q. You've only got 36 teams to keep track of.

A. Thirty-two.

Q. Thirty-two, okay.

Well, in that game--maybe this will refresh your recollection--the 49ers declined a penalty that would have given them a nine point, two possession lead with 43 seconds to

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perform and something happens on the field, that's now causing people to question the motives. That's not -- our athletes are out playing the best they can. We do not want any outside influence into that. We do not want anyone to perceive there's an outside influence to that. That's why we're opposed to gambling.

Q. Commissioner, do you have any evidence other than what you've testified to so far today to support this statement?

MR. MISHKIN: It's been asked and answered. Commissioner, if there's anything further you can add to that.

A. I don't have anything further.

Q. Okay. Commissioner, this concern that individuals speculate about normal incidents of the game like play-calling and that they're concerned that there's point-shaving or game-fixing involved, that exists today, doesn't it?

A. What do you mean by play calling? I'm sorry. People call plays every -- that's what the game of football is.

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go in the game.

MR. MISHKIN: Can you read that back?

Q. All right. I'll run it by you again. I went by fast. Let's just withdraw that question.

In this San Francisco 49ers-Seattle Seahawk game on October 18 of 2012, the 49ers declined a penalty that would have given them a nine point, two possession lead with 43 seconds to go in the game. Do you recall that?

MR. MISHKIN: A nine point lead with two possessions?

MR. WEGNER: Right. Do you recall that circumstance in that game?

A. A little bit of that, yes.

Q. And as a result, the 49ers won by seven points instead of nine, correct?

A. I don't know. You tell me. I don't have the outcome in front of me.

Q. Well, they did.

A. Okay.

Q. Are you aware that there were any

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accusations that the 49ers' decision was motivated by point-shaving?

A. Accusations by whom?

Q. The public.

A. It wouldn't surprise me if some people in the public made that accusation.

Q. I think I know the answer to this question, but did the NFL perform any investigation to determine whether there was some sort of point-shaving going on with the declination of that penalty?

A. Not that I'm aware. But as I said, our security department does their job and I expect them to do their job and I'm not aware of it.

Q. But you're not aware of any, okay. One last example, if you can recall this one, Commissioner. You're familiar that in the end -- with the end of September -- let me restate that.

The September 24, 2012 Monday Night Football game between the Seattle Seahawks and the Green Bay Packers, that is a game in which replacement referees were umpiring the game or

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motivated by game-fixing?

MR. MISHKIN: Would you read that back again?

Q. Are you aware of any accusations by the public that the outcome of that game was motivated by game-fixing? Not that they're correct, Commissioner, but just that there were accusations.

A. "The public" is a broad term. If you're asking me did somebody out there think that that -- they could have made that accusation, they could have made that accusation.

Q. Commissioner, in your view has legal sports gambling in Las Vegas fueled speculation, distrust and accusations of point-shaving or game-fixing based upon normal incidents of the game such as bad snaps, dropped passes, turnovers and call playing?

A. I think you just referenced that before, is that people out there will make those accusations because of that influence. One of the reasons that we believe that we are beyond that is because we -- we enforce our

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referring the game, correct?

A. Um-hmm.

Q. It's also the game where there was a call in the end zone that was later determined by the NFL to be incorrect, that the pass to the Seahawks which was considered complete, in fact, was intercepted by Green Bay. Do you recall that?

A. Yes, but you have your facts wrong but...

Q. How so, sir?

A. We didn't say that that was an incorrect call. We said that it was a judgment call. We said that there was a pass interference on the play.

Q. Did the NFL perform any investigation into that incident?

A. Investigation to whom?

Q. Into that particular call, did the NFL review it?

A. Yes, of course we did. We review every officiating call.

Q. Are you aware that there were any accusations that the outcome of that game was

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policies very strictly to make sure that people understand that is not permitted in the NFL.

So we take that -- that's why we keep a distance from gambling and we oppose gambling and we think it's wrong for the game, because that is a threat that we want to make sure does not influence the outcome of our games.

Q. In your view, then, does the legalization of sports gambling in Las Vegas undermine the public's confidence in the character of the games, the NFL games?

A. We would certainly take the position that we would rather not have it happen, yes.

Q. Because in your view, legalized sports gambling in Las Vegas undermines the public's confidence in the character of the games?

A. It creates more gambling, it creates more gamblers, and it creates the more likelihood that people are going to perceive it as being an influence.

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Q. Has the NFL considered having a franchise in Las Vegas?

A. Not when I'm been Commissioner.

Q. Are you aware if they ever have?

A. I'm not aware of it, no.

Q. Commissioner, has legal sports gambling in Canada, in your view, fueled speculation and distrust in the integrity of the NFL games?

A. We only play one game there.

Q. I mean, does the existence of gambling in Canada, in your view, harm the integrity of the NFL?

MR. MISHKIN: Well, if the witness has a view. Read the question back, please.

(Requested portion read.)

A. I haven't looked at it from the Canadian perspective. I look at it from the NFL's perspective. And I think people understand that we have very strong policies and that we protect outside influences from our game.

Q. Let me ask you this, then,

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integrity of the game.

Q. In the last 20 years, has spectatorship at NFL games increased?

A. At NFL games?

Q. Yes.

A. I don't know what our total attendance is versus 20 years ago. Stadium size evolves and changes.

Q. Let's just make it ten, Commissioner. Has spectatorship in NFL games increased in the last ten years?

A. It's roughly the same based on stadium sizes.

Q. In your view, Commissioner, in the last let's stick with ten years, in your view does the public have confidence in the integrity of the NFL football games?

A. Because we've -- yes, I believe they do because we have worked hard to earn that.

Q. Let's look at the last sentence in paragraph 5 on page 3 of your declaration which is NFL 35. In that paragraph you -- the declaration states that you were aware that in

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Commissioner: In your view does illegal sports gambling undermine the public's faith and confidence in the character of the games?

A. I do not think gambling is good for professional sports. I think it does interject that fear that somebody could be trying to get an outcome in a particular match or game, and that's not good for professional sports.

Q. Let me see if I can lay a foundation for this question, Commissioner. We've already established this morning or this afternoon that there is a large illegal gambling market in the United States, correct?

A. I think you did, yes. You made that point.

Q. Okay. In your view, does illegal sports gambling undermine the public's faith and confidence in the character of NFL games?

A. We think gambling in any form where there could be the perception that a game is influenced by some outside party is not in the best interest of the game. It can impact on the public confidence in the game and the

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the past, betting scandals related to illegal sports betting have occurred both in the United States and foreign countries. Which scandals are you referring to, Commissioner?

A. I'm just saying that I'm aware in the past there have been betting scandals.

(Reporter interruption.)

Q. Commissioner, in this section of the declaration where you say you're aware that in the past betting scandals relating to legal sports betting have occurred both in the United States and in foreign countries, which scandals are you referring to? Are they scandals other than scandals in the NFL?

A. I'm just saying I'm aware. I'm not referring to anything in particular other than the fact that I'm aware.

Q. But no particular scandal?

A. I wasn't in here, no.

Q. Okay. Commissioner, if you look at the next paragraph which is paragraph 6 on page 3, Commissioner, in that paragraph you state that:

"The new sports gambling scheme

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that New Jersey proposes would also greatly increase the likelihood that the allegiance of certain fans will be turned from team players and high-level athletic competition toward an interest first and foremost in winning a bet.

A. That was not correctly read, just for the record.

Q. Shall I read it again? Why don't I read it again.

A. You can read it but that was not correct. It says "will be turned from teams, players," not "team players."

Q. Okay. Let me withdraw the question and restate it then.

In paragraph 6 on page 3 of your declaration, you state that:

"The new sports gambling scheme that New Jersey proposes would also greatly increase the likelihood that the allegiance of certain fans will be turned from teams, players, and high-level athletic competition, toward an interest first and foremost in winning a bet."

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sense. We make that analysis. We think we have enough experience that we understand this.

Q. Okay. Commissioner, so that I'm sure I understand this, though, is it the NFL's position that if a spectator -- withdraw the question.

Is it the NFL's position that a fan, an NFL fan, that bets on an NFL game loses its allegiance to the team that it supports?

A. Well, there's conflicting statements in there. Is your support for the -- what he's betting on or what he's looking for as an outcome?

Q. Well, let me break it down. That's fair, Commissioner. Let me break it down.

So you have a fan, let's say that it is a 49er fan and they've placed a bet on a game. And is it the NFL's position that a fan betting on a game will eliminate that fan's allegiance to their team?

A. Let me state it the way I would tell you.

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What support do you have for that statement, Commissioner?

A. I think that's common sense.

Q. And common sense in what way?

MR. MISHKIN: Object to the form of the question.

A. I only know one with common sense but --

Q. Thomas Payne?

When you say common sense, connect the dots for me, Commissioner, what do you mean by common sense?

A. If you're making a bet, you're making a bet on a particular outcome, that's what your interest is. Right?

Q. And that's the common sense?

A. It may not be common sense to you but it is to me.

Q. No, I'm not questioning that, Commissioner. I'm just trying to understand it. So has the NFL conducted, again, any studies, empirical analysis or focus groups to support this assertion?

A. We don't do studies on common

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Q. Okay.

A. Because if you're a 49er fan, we want you rooting for the 49ers to win, not win by a certain number of points, not to lose but I win my bet. We want you rooting for that team to win.

Q. Could I be rooting to have my team win, my 49ers win and also win my bet at the same time?

A. That's a hypothetical but of course. If you -- if your bet is simply that my team's going to win and you want your team to win, those are consistent.

Q. Let me ask you this hypothetical then, Commissioner. If given the size of the illegal gambling market in the United States there are a lot of NFL fans that are betting on NFL games, is it your position that those bettors don't have an allegiance to a team?

A. I can't answer that question.

Q. I think we're almost done with your declaration but let's go -- let's do this, Commissioner. We've been going for more than an hour. I only have a paragraph or two more

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of your declaration. Do you want to take a little break right now?

A. I don't but if you'd like to, that's fine.

MR. WEGNER: Let's go off the record. We'll take a five-minute break then.

(Recess taken 1:12-1:24 p.m.)

BY MR. WEGNER (continuing):

Q. Commissioner, again, referring to NFL 35, I'd like to direct your attention to paragraph 7 which is also on page 3. In that paragraph the declaration states that:

"State sponsorship of sports gambling also trades unfairly on the property and goodwill of the NFL."

Skipping a few lines, then it says:

"State sponsorship of sports gambling threatens to confuse fans into believing that the NFL supports sports gambling, thereby allowing casino operators and other sports-betting operations to trade unfairly on NFL's goodwill and image of fairness."

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supports gambling if gambling is legalized in New Jersey?

A. Well, the broader answer to your question, this is about our brand. We're very disciplined in how people associate with our brand. As an example, if you're a sponsor or a licensee, you have to have the license to do that. If you -- to carry NFL content, you have to have a license to do that.

So we're very concerned about who can associate themselves with our NFL brands. And if a state is now going to say that we can allow gambling here and it's approved by the NFL, that's a form of association that we do not permit.

Q. But, Commissioner, I think this is very clear so I'm not getting out of bounds here when I say that there's nothing in the New Jersey law that says -- if it's implemented, that says that the NFL supports wagering. Correct?

A. I don't know. I haven't read it.

MR. MISHKIN: And it hasn't happened yet.

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Do you see that, sir?

A. I do.

Q. How is that so, in your view?

A. I'd like to read the sentence that you left out.

Q. Take all your time.

A. (Examining document.)

"How is that so" refers to the entire paragraph, or are you breaking this down?

Q. Well, I'm trying to -- there's no secret about it, Commissioner. What I'm trying to do is understand the connection between state-sponsored gambling and your view that fans will think that the NFL therefore supports gambling.

A. I'm sorry, I missed what you said but that's not the question, so I don't think I need your background, I just need your question, right?

Q. Right. Let me start with some easier ones which is: Again, has the NFL conducted any studies or surveys to determine whether the public would think that the NFL

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A. Right now you can't do it, it's against the law.

Q. But if, for instance, the law is permitted to go forward in New Jersey, what is the basis of your concern that somehow New Jersey -- legalizing sports wagering in New Jersey is the same thing as the NFL endorsing sports wagering?

MR. MISHKIN: Well --

A. Well, you'd be betting on our games, correct? That's what you're trying to do?

Q. Correct.

A. So you'll be saying you can come bet on NFL games?

Q. Right.

A. That's trading on the NFL.

Q. Well, my question is a little more precise than that, Commissioner, and that is: How does that equal the same thing as the NFL endorsing sports wagering?

A. I don't know if the average consumer makes the distinction you're making. The average consumer sees states are allowing

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that. That means the NFL must be endorsing it. That's the association that we do not want to encourage.

Q. I'm just trying to understand, Commissioner -- and I'm not being argumentative, but I'm trying to understand the connection between the two. There are lots of things that states may authorize, and that doesn't mean that the NFL endorses it unless the NFL endorses it; isn't that right?

MR. MISHKIN: Object to the form of the question, and it's been asked and answered. If you want to try it again, you can.

A. I don't have anything else to offer to you on this. When you say there are lots of things states authorize, that have to do with football?

Q. Yes.

A. Like what? Let me turn the tables here.

MR. MISHKIN: He doesn't have to answer the question. But it would probably help you elicit an answer if you

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it's more specific to the fact that if -- and, again, this goes to the hypothetical. You are trying to allow sports betting to be legal in your state. It's now currently against the law, correct?

Q. Correct.

A. We support the fact that the law that's in place now is in the best interest. It depends what you get passed, I guess. You have to change the law, don't you? Okay.

Q. Well, I mean, Commissioner, the answer is that there has been a law passed in New Jersey. It's not been implemented. Part of the reason that it's not been implemented is because of this litigation. My question is just this: If --

THE WITNESS: Is that true?

MR. MISHKIN: Just off the record for a minute.

MR. WEGNER: Sure, we'll go off the record.

(A discussion was held off the record.)

BY MR. WEGNER (continuing):

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could give him another example or two. He's answered the question with respect to, you know, the connection he sees between if New Jersey were to have gambling and the use of the NFL games. Is there another example you want to give him?

Q. Let me be a little more specific then. If you'll bear with me, Commissioner, if the statute in New Jersey is implemented and there's wagering at casinos and racetracks on sporting events and NFL games, that's conduct permitted by the State of New Jersey, correct?

MR. MISHKIN: Well, hypothetically.

A. That's what you're proposing. It's not what the law says.

Q. Right. But my hypothetical is that if for whatever reason New Jersey is permitted to go forward with the implementation of its sports wagering law, then that will mean New Jersey is condoning sports wagering on, among other things, NFL games, correct?

A. I don't think it's that -- I think

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Q. Let me start with a fresh question then, Commissioner. If for whatever reason New Jersey at some point in time is permitted to authorize and implement sports wagering in New Jersey on NFL games, that does not mean that the NFL endorses sports wagering, does it?

A. No, it certainly doesn't. But that doesn't mean that the consumer won't be left with that impression. As an example, if I understand it, don't you -- aren't you excluding college sports from this?

Q. There is a carve-out of the statute currently for amateur athletics, yes.

A. So why would amateur athletics be left out versus professional?

Q. Well, now you turned the table on me. I'm not being deposed because I'm not under oath and I could say just about anything, Commissioner.

A. Say whatever you like, I take your word.

Q. Well, let's go back to my question to you.

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A. I think the point is is that it does have an impact and that's why you're excluding amateur athletics.

Q. The reason I'm focusing on this particular paragraph and this particular statement, Commissioner, is I'm trying to take these sort of in order and take them apart. What we have on deck right now, to use a baseball term, is the assertion by the NFL that the implementation of New Jersey's gaming statute means that the NFL has endorsed sports wagering.

MR. MISHKIN: Again, I'm going to object to the question as I think not entirely accurately recounting what's in the declaration. I would prefer that you use the language that the Commissioner used when he made his declaration.

Q. All right. Then let's go with this question then. In paragraph 7 the declaration states, in part:

"State sponsorship of sports gambling threatens to confuse fans into believing that the NFL supports sports

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National Football League.

Q. Well, there's nothing that prevents the NFL from making it very clear that it doesn't support gambling, correct?

A. So I have to spend money to now tell the consumers exactly what you're trying to get?

Q. Well, sports wagering, let's put it, is permitted in Las Vegas, correct?

A. Yes.

Q. Do you have any evidence that consumers believe that the NFL supports sports wagering because it's legal in Las Vegas?

A. We don't have a team there. We are very open about our position with respect to gambling, and we have to work every day to try to do that. If it is now expanded to another state and then potentially other states beyond that, it is very difficult to beat that.

Q. But as we sit here today, the NFL has successfully made it clear that even though sports wagering is legal in Las Vegas, the NFL does not support sports wagering, correct?

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gambling, thereby allowing casino operators and other sports betting operations to trade unfairly on the NFL's goodwill and image of fairness."

So my question is: What evidence do you have to support the statement that state sponsorship of sports gambling threatens to confuse fans into believing that the NFL supports sports gambling?

A. This is why I was trying to use the example before about licensing and sponsorship. People want to associate themselves with the NFL without paying for it and without having any association because that's how they ambush, that's how they get that association. And this is an example of it.

If you are allowed to have sports gambling at any one of your facilities, whether they be casinos or -- they will say that the NFL -- you can come here and gamble on the NFL. That will appear to the consumer, the average consumer, that we are sponsoring that. That is not in our best interest of the

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A. I can't say that with every consumer. That's an ongoing battle. That's what we're fighting. We're fighting to make sure people don't see that association. I can't tell you that every consumer in the United States doesn't see it the way you're proposing. There very well may be consumers that believe that. That's why we have to work every day to make sure they understand that is not our position.

Q. Commissioner, what is your basis for believing that fans do think that State-sponsored sports wagering means that the NFL supports sports wagering?

A. Again, because you will use that association if it's permissible. If it's the law, you will use that to attract people into your facilities to bet on our games. That will try to drive an association. That's what people do. In the other instance when I was describing the other commercial agreements, that's what they try to do.

Q. So if I understand the concern, Commissioner, it's that some fans may think

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that sports-sponsored [verbatim] wagering means that the NFL endorses sports wagering?

A. Let me try to say it another way:

A sports network that does not have the NFL will cover the NFL. They'll try to say: We have the best NFL information. They'll try to draw that distinction as if they have a license to present the NFL. They don't but they'll try to draw that connection.

That is something that we protect as best we possibly can. We can't stop them from covering the NFL with the news, but they will draw that association as best they can.

Q. Well, if in that example, Commissioner, if someone, a network or somebody, was using the shield, the NFL shield, and affirmatively displaying to the public what appeared to be an endorsement by the NFL, the NFL would move to stop that, wouldn't it?

A. Sure, if they're using the shield. But there are ways in which to talk about the NFL without using the shield that we can't stop.

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A. Our games are provided to our networks and our other partners in their broadcasts. So, yes, they appear in sportsbooks.

Q. Does the NFL license team names to be used on Las Vegas sportsbook betting boards?

MR. MISHKIN: Licenses to whom?

Q. Licenses to be used by Las Vegas sportsbooks on their betting boards?

A. Not that I'm aware of.

Q. Does the NFL license team logos to be used in Las Vegas sportsbooks?

A. Not that I'm aware of.

Q. Commissioner, are you aware one way or the other whether Las Vegas sportsbooks are using the NFL shield in their sportsbooks?

A. I don't know what you mean by that.

Q. I'm just asking if you're aware whether, in Las Vegas at the sportsbooks, they're using the NFL shield.

A. I'm not aware of that.

Q. Okay. Commissioner, let's move on to paragraph 8, also on page 3 where the

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Q. Like a news network reporting on games?

A. Sure, and running highlights.

Q. If I've asked this, I apologize, Commissioner, but I just want to move off this by making this clear. The NFL has not conducted any studies or focus groups or empirical analysis to determine whether fans would, as a result of New Jersey's gaming law being implemented in New Jersey, connect that with an endorsement by the NFL?

A. We don't believe it's going to be legal. It's not legal in New Jersey and we have not done that research. There's no reason for us to do that.

Q. Okay. Commissioner, does the NFL have contractual arrangements to allow for games to be shown in Las Vegas sportsbooks?

A. I'm not sure I understand the question.

Q. Well, does the NFL have any contracts, contractual arrangements, to allow for games to be shown at Las Vegas sportsbooks?

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declaration states:

"The NFL cannot be compensated in damages for the harm sports gambling poses to the goodwill, character and integrity of NFL football and to the fundamental bonds of loyalty and devotion between fans and team that the League seeks to maintain."

Commissioner, do you have any support for that statement, other than what we've discussed so far today?

A. I think we've been very clear on that. I think we've covered the core issue of that.

Q. Okay. You'll be happy to know, Commissioner, we're done with your declaration. You can put that away.

MR. MISHKIN: Next.

Q. Next. Your counsel already knows where I'm going. This was previously marked NFL Exhibit 3, Commissioner, which is the Complaint in this action.

Commissioner, have you seen this Complaint before, NFL 3?

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A. I may have seen it briefly, but I don't recall.

Q. You understand that it's the operative document where the Plaintiffs sued New Jersey to stop the implementation of the New Jersey gaming law?

A. Yes, I do.

Q. In order for the NFL to become a Plaintiff in this action, did that require your authorization as the Commissioner?

A. Yes.

Q. Commissioner, let me draw your attention to paragraph 5 on page 3 of the Complaint. And so there's no surprise about what I'm doing, Commissioner, I'm going to ask you to read that paragraph and one other paragraph in the Complaint and then ask if there's any other support, other than what we've discussed so far today, that you want to advance for that Complaint.

So if you could just read paragraph 5 on page 3 of Exhibit 3.

A. (Examining document.)

Um-hmm.

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testimony --

A. It would be the answer I gave you, Counselor.

Q. Okay. Well, let me ask you this: Is there anything you would like to add to your testimony to support the allegation in paragraph 5 of the Complaint that you haven't already given us today?

A. Not at this time.

Q. Okay. Commissioner, if you could read paragraph 6 of the Complaint which is Exhibit 3.

A. (Examining document.)

Okay.

Q. Same question, Commissioner: Do you have any other testimony, other than what you've provided today, to support the allegations in paragraph 6 of the Complaint, Exhibit 3?

A. I would offer the same answer, that that's a very broad question but that I think we've touched on the core issues today.

Q. Thank you, Commissioner. We're finished with that exhibit, then.

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Q. Commissioner, other than the things you've already testified to today, are there any other ways that gambling in sports threatens the integrity of NFL football?

MR. MISHKIN: Based on his understanding?

MR. WEGNER: Yes.

A. That's a very broad question. Are you asking specifically about paragraph 5 and do I support paragraph 5?

Q. I assume you support paragraph 5, Commissioner. It's a Complaint you authorized to be filed against the State of New Jersey. All I'm really trying to do is to determine, other than what we've already testified to today extensively, if you have any other evidence in support of the allegations in paragraph 5 of the Complaint other than what you have testified to today.

A. Again, that's a very broad question. I think we've gotten to the core of the issue of why we oppose gambling so...

Q. So would that be that, no, you don't have any other -- other than your

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MR. WEGNER: Let's go off the record for a second.

(A discussion was held off the record.)

(Recess taken 1:47-2:08 p.m.)

BY MR. WEGNER (continuing):

Q. Commissioner, I'm now going to show you what has been previously marked as NFL Exhibit 14, which is the NFL gambling policy. Do you recognize that document?

A. I do.

Q. What role, if any, did you have in developing the NFL gambling policy that's reflected in Exhibit 14?

A. Very little, if any. I think this was established long before I was involved.

Q. Well, at the bottom left-hand corner of the exhibit, you see that it states that the policy is effective September 1, 2012. The NFL had a previous version of the gambling policy before this September 2012 version; is that right?

A. They had a policy the prior year, yes. I don't know how different it was.

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Q. So do you know why the policy was changed, if it was changed, in September of 2012?

A. I don't know if there's any change other than the date, is the point.

Q. Commissioner, under the policy, if you look at the middle of this first page of Exhibit 14, you'll see that gambling is defined as something that involves prize, chance and consideration. Is that correct?

MR. MISHKIN: Is the question is that what it says?

Q. Is that what it says?

A. It says: "Generally gambling involves all three of these following elements."

Q. Do you know, Commissioner, how that definition was developed?

A. I don't.

Q. In your view if any of these elements--the prize, chance and consideration --are missing from some activity, does that mean that it's not gambling?

A. If any of these are missing, does

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Q. Do you have any notion as to why that policy is limited to the NFL playing season?

A. I don't.

Q. Okay. Do you know, Commissioner, if NFL players can utilize sportsbooks during the off season?

MR. MISHKIN: If you know.

A. I don't because I think this question it says, "entering into, utilizing or otherwise visiting a sportsbook at any time during the -- (INAUDIBLE.)

(Reporter interruption.)

A. I'm sorry, I'm rereading 6. I'm reading the question. I'd have to speak to Jeff Pash about this who would operate this policy.

Q. Well, Commissioner, if you look at the next paragraph that states:

"In part, fantasy football games generally are not considered to be gambling or gambling-related activity provided there is no wagering on the outcome."

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that mean it's not gambling, just so I'm clear?

Q. Yes, sir.

A. I think by the words "generally gambling involves all three of these following elements," I think the "generally" gives some leeway into that.

Q. Okay. Let's take, for example, under the policy here, if there was consideration and there was a prize but there was no chance element, would that mean that it's not gambling?

A. That's a hypothetical. I couldn't answer that question.

Q. Okay. Let's look at page 2 of Exhibit 14, Commissioner.

A. Um-hmm.

Q. You'll see on page 2 of Exhibit 14, if you look at subpart 6 of item 2, it states that it's against the policy to enter into sportsbook at any time during the NFL playing season. Do you see that, sub 6 under 2 on page 2, Commissioner?

A. Yes, I do.

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Do you see that?

A. No, I don't. I'm sorry.

Q. Okay. Take a moment then.

MR. MISHKIN: Is this the right paragraph, Bill, the "in addition"?

MR. WEGNER: Yes, sir.

A. (Examining document.)

Um-hmm.

Q. The policy commission uses the word "generally" in stating that fantasy football games are not gambling providing there is no wagering on the outcome. Are there examples where fantasy football games would be considered gambling even if there is no wager on the outcome, in your view?

A. We don't look at fantasy football as gambling.

Q. What about fantasy football leagues that have an entry fee and pay a monetary prize to the winner, would you say that that violates this policy?

A. Again, isn't that a hypothetical question? Wouldn't I have to have more information to understand that?

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Q. It is a hypothetical question, but I'm asking hypothetically that if as an example there's a fantasy football league in which there was an entry fee and a monetary prize, would that violate the NFL's gambling policy?

A. Again, it's a hypothetical. How much money are you talking about?

Q. Well, the NFL has -- one of its fantasy league games, it has a million dollar prize?

(A discussion was held off the record.)

Q. Let me start over again. As an example, Commissioner, rather than a hypothetical, if there was a fantasy league where you had to pay into it and then there was a monetary prize at the end of the season for winning that league competition, would that be a violation of the NFL's gaming policy?

A. If they paid into for a fee to participate in the game?

Q. Yes, sir.

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concern you, that a referee made that statement to a player?

A. Yes.

Q. And going further, would you consider that to be a violation of the NFL gambling policy?

A. I think I'd be more concerned about the official and his judgment at that point in time than I would about the gambling policy.

Q. Commissioner, the next portion of the policy where we are right now states that:

"NFL personnel may not, however, accept prizes with a value in excess of \$250 on any fantasy football game."

Do you see that? It's the next sentence.

A. I do.

Q. Okay. If you know, Commissioner, do you have any idea why the NFL decided on this \$250 limit?

A. I don't. Other than what is stated in the next sentence, by the way.

Q. Which is that the policy is to avoid any appearance of impropriety which may

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A. And what was the second piece?

Q. And then if they, for instance, won, that league, they would receive a monetary award, like the pool would be paid back to that participant in the fantasy league. Would that violate the NFL's antigambling policy?

A. Of fantasy football? I think it would depend on the size of the numbers and maybe some other factors, but it doesn't sound like it would be.

Q. Okay.

A. But I'd have to check with our counsel.

Q. Commissioner, if a referee told a player that he needed to have--this is during a game. If a referee told a player that he needed the player to perform well for his fantasy team, would that be a violation of the NFL's antigambling policy?

MR. MISHKIN: If you have a view on that.

Q. Well, that's actually my next question. In that scenario, would that

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result from participation in fantasy football games by individuals perceived to have an unfair advantage due to their preferential access to information?

A. It's prohibition, just to -- rather than policy, but yes.

Q. Commissioner, do you have any concerns that fans participating in fantasy football games could create a threat of game-fixing?

A. No, I don't have that concern.

Q. How about a concern that participating in fantasy football games would create point-shaving?

A. I don't have that concern.

Q. Is it your view that the level of that threat is dependent upon the amount of money at stake?

A. Fantasy football's not based on the outcome of a game; it's based on performance of individuals that they select. It could be different teams.

Q. Okay.

MR. WEGNER: Commissioner, no

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further questions. Thank you.

THE WITNESS: You're welcome.

MR. WEGNER: Counsel, do you have

any?

MR. MISHKIN: I do not.

(Time noted: 2:19 p.m.)

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) ss:

COUNTY OF NEW YORK)

I, ROGER S. GOODELL, the witness

herein, having read the foregoing testimony of

the pages of this deposition, do hereby certify

it to be a true and correct transcript, subject

to the corrections, if any, shown on the attached

page.

ROGER S. GOODELL

Subscribed and sworn to before me

this ____ day of _____, 2012

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DATE OF DEPOSITION: NOVEMBER 12, 2012

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ROGER S. GOODELL

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I, Sherri Flagg, a Registered
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Reporter, and a Notary Public, do hereby certify
that the foregoing witness, ROGER S. GOODELL, was
duly sworn on the date indicated and that the
foregoing is a true and accurate transcription of
my stenographic notes.

I further certify that I am not
employed by nor related to any party to this
action.

Sherri Flagg, RPR, CLR